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MEMORIAL

TO THE

CONGRESS OF THE UNITED STATES,

OF THE

EXECUTIVE COMMITTEE

OF THE

Convention held at Chicago,

JULY 5, 1847.

With an Abstract of the Proceedings of the Convention, on the Improvement of Rivers and Harbors.

Presented to Congress, June, 1848.

ALBANY:
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ILLINOIS HISTORICAL SURVEY

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1284 H.R. 29th Cong.

To the Senate and House of Representatives of the United States of America, in Congress assembled:

The memorial of the subscribers, members of a committee appointed at a meeting of delegates from different parts of the Union, assembled at Chicago in the State of Illinois on the fifth day of July last, in the most numerous delegated convention ever held in this country,

Respectfully Shows:

That your memorialists were instructed by the said Convention to transmit its proceedings to the President of the United States, and to both Houses of Congress, and to communicate such information as the said committee might be able to collect, to guide intelligent and just legislation.

In obedience to these instructions, your memorialists now transmit herewith the "Declaration of Sentiments" adopted by that Convention with entire unanimity, excepting the last clause of the fifth proposition, and expressing, as your memorialists believe, the universal opinions of the vast constituencies represented in that meeting. These circumstances, together with the calmness and deliberation which marked the discussions and proceedings of the Convention, and the enthusiastic approbation which the principles it avowed, have received from all quarters of the country, must entitle them to the respectful consideration of the Representatives of the People and of the States in Congress assembled.

In discharge of the duty assigned them, your memorialists have collected various and extensive statistics of the greatest interest in relation to the commerce of the country, and particularly of the inland lakes and rivers.

So far as the returns received by us extend, they not only corroborate the results contained in a report made to the Senate at its present session, by the very able and enlightened Chief of the topographical corps of Engineers, (number four of Executive Documents,) but exhibit a prodigious increase during the year 1847 of the imports

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and exports of different ports. To avoid encumbering this communication with details, we annex an abstract of the reports received. The facts are taken from the books of the custom houses, where they furnished the materials, and in other cases from reliable sources of information, the respective authorities being given in the detailed reports, which are also herewith communicated. They exhibit the actual amount of exports from ports and places on Lake Erie and the lakes West of it, and connected with it, during the last year, of more than sixty-four millions of dollars. This, which is believed to be under rather than above the true result, is sufficient to satisfy you that it is an interest even now worthy of attention. But when it is recollected that it is but the childhood, the infancy of a trade, which is but of yesterday's growth, and that a boundless extent of the best land on the continent is yet to be opened to cultivation, to swell the mighty torrent of trade which is to empty itself into the Atlantic,—it will be difficult to fix limits to the vastness of the commerce which will call upon you for protection and aid.

The accounts of the losses of lives and of property caused by shipwrecks and other disasters, and which in all human probability would have been avoided had there been adequate harbors on the lakes, we lament to say, are very deficient. There is an intrinsic difficulty in obtaining authentic accounts of such events, which rest in the memory of so many individuals. In two reports which have been furnished us, we find the names of ninety vessels which have been lost since 1833 on the great lakes, besides four on Lake Superior, the value of which and that of their cargoes, where known, exceeds 680,000 dollars; and we find also by one of those reports, that 367 lives are known to have been lost. A return from Oswego shows a loss of ten vessels within the present year on Lake Ontario, causing damage to the amount $26,250, besides injuries to cargoes to the amount of $9,375. To the above should be added the vessels that have gone ashore almost every week at different places on the lake coast. It is impossible to estimate the amount of damage the vessels themselves have received, the expense of getting them afloat and repairing them, the injury to cargoes, and the loss of time and wages.

Some faint idea of the extent of suffering, arising from the causes mentioned may be formed from a chronological account of disasters on the lakes during the year 1846, published in a newspaper of great credit, and which has not been questioned. We beg leave to

annex it to this memorial, as furnishing a graphic account of the storms on the lower lakes, and the frequency of their occurrence.

We know not that any language of ours could add to the impression which a simple statement of the facts ought to make upon every human heart. It is a tale of woe and distress that must excite the strongest sympathy, and prompt to the most energetic efforts to remove the causes of such unnecessary suffering. We say unnecessary, because official reports from competent and disinterested officers of the United States, have, for years, been laid before Congress demonstrating the facility and moderate expense with which the most important harbors on the lakes can be rendered accessible, and afford that shelter which is now denied to the persons and property engaged in that navigation. These reports also show the obstructions in the navigation of the lakes and rivers emptying into them, and with what great ease and little expense they can be removed.

The same remarks are applicable to the navigation of the Mississippi, and of the great rivers leading to it. The authentic report of the committee appointed at St. Louis, which is communicated herewith, exhibits the vast amount of tonnage engaged in the trade on those rivers, the almost incredible value of the cargoes transported, and the great number of persons employed in it. The difficulties and obstructions in that commerce are too well known to need description here, and the facility with which they can be removed has been demonstrated so clearly by the success which has attended the few efforts heretofore made for the purpose, that no doubt can remain with the most obtuse.

An abstract of the reports received from the ports on the Atlantic coast, and the original returns which it condenses, are also annexed, containing much valuable local information, particularly in reference to obstructions in rivers and harbors on the seaboard.

In the further discharge of their duties, your memorialists would most respectfully submit their views in elucidation and defence of the propositions embodied in the "Declaration of sentiments" herewith transmitted. That document was necessarily brief and condensed; its very nature forbidding any amplification of the fundamental truths it was designed to proclaim.

The subject requires the consideration,

First, Of the constitutional power of Congress to make appropriations for the improvements contemplated by the Convention within the limitations declared by it; and

Second, The duty and expediency of exercising that power.

And while considering the latter it will be proper to discuss the question whether there are other means of effecting the proposed improvements, which are just in themselves, and adequate to the purpose, and which can be adopted without producing interminable difficulties between the States, and threatening the most disastrous consequences to the whole Union.

1. In discussing the constitutional power, we abjure at once all considerations of danger in its exercise. If there be any, of the frightful character which has been supposed, they address themselves to the sound discretion of Congress, when called upon to make any specific appropriation; but they have no bearing whatever upon the enquiry, whether the power itself exists. And we cannot but lament the perversity which seeks to intimidate from a frank, deliberate and thorough investigation of the constitutional provisions on this or any other subject, by exaggerated appeals to the fears or prejudices of our citizens. It betrays a consciousness of weakness, thus to block up the very portals of truth. We are bound to presume that the illustrious men who devoted so much time and anxious deliberation to the embodying the elements of a free government for themselves and their posterity, were not so incompetent to their task, as to have adopted any provision which would produce the frauds, national demoralization and bankruptcy which have been so freely predicted. Our enquiry now is, what is the law and the testimony—what provision does the Constitution in fact make? not what it ought to make. And we utterly deny that the liability to abuse of any supposed power in a government, is any argument whatever to prove that such power does not exist. For the undeniable truth is, that no government ever has been or can be created, without possessing powers which may be used to the injury, and even ruin of its subjects, and to its own destruction. It is very true, that on the threshold of the enquiry, it will occur to every mind to ask, whether the power claimed is one which civilized governments usually possess; and if it be utterly unknown in the history of the world, such as never has been hitherto required by the wants of any community; then indeed the keenest vigilance may well be aroused to insist upon the clearest proofs of the most express and unequivocal grant of the power, and to watch most closely for any defect in the chain of ar-

gument to prove its existence. But if, on the contrary, it be a power which every other government in christendom is admitted to possess—which has always been exercised by every government hitherto existing—a power essential to the progress of civilization, without which agriculture must languish and labor be unrewarded, commerce and trade must be impeded and intercourse obstructed; then the enquirer will approach the investigation in a different spirit. While he will still require satisfactory evidence, he will be prepared to give a favorable ear to what may be adduced to establish the fact of such a power having been granted.

It certainly cannot be necessary for your memorialists to do more than ask any intelligent mind, to which of these classes belongs the power of opening intercourse between the various sections of our vast country—the power of finishing what the God of nature began when he established the mighty rivers and the still more mighty lakes which mark this continent?

Before advancing further in this enquiry, let us endeavor to understand exactly the extent of the power over this subject, claimed for Congress by the Convention, whose declaration of sentiments is now before you,—and it is the more necessary in consequence of the exaggerations and misrepresentations with which the public ear has been abused.

Its advocates have been described, as seeking to establish a system of rapacity, by which unscrupulous men would enhance the value of petty localities in which they are interested, at the public expense; and in respect to which the people themselves are represented as so profligate, as to form extensive and dangerous combinations to render such schemes successful. What then does the Convention really claim? Their first proposition asserts that the Constitution was framed and mainly designed "to create a government whose functions should and would be adequate to the protection of the common interests of all the States, or of two or more of them, which interests could not be maintained by the action of the separated States." The second proposition applies this undeniable principle to internal trade and navigation," wherever the concurrence of two or more States is necessary to its preservation, or where the expense of its maintenance

should equitably be borne by two or more States, and where of course those States must necessarily have a voice in its regulation." Such trade and navigation could not be maintained by the action of the separated States, and therefore if any provision was to be made for its protection and assistance, it must necessarily be by the general government.

Such then are the clear and well defined limitations of the power in question, set forth by the Chicago Convention, and they afford in themselves the best answer to the idle declamation wich represents the friends of internal improvement as seeking to establish a system which has no other limits than the "discretion of Congress." The mind which is really incapable of perceiving any intermediate grounds between the power to improve the great channels of intercourse *common to two or more States*, and the authority to make turnpikes and canals *within* States, must be beyond the reach of argument. That even within the limits thus defined, there will necessarily be room for discretion in the selection of objects of improvement, we would not deny. And when it is shown that there is any one power of human governments that is not equally and unavoidably open to a like discretion, but not till then, we will admit that the fact, that choice and selection may be exercised in reference to the subjects of a power, is sufficient in itself to show that the power cannot exist! in other words, that a legislative body is not to be permitted to exercise judgment and caution, and to regard utility or economy in its enactments. When a constitution shall be framed upon such principles as to deny all discretion to the legislative body, there will be little occasion for such a cumbrous and expensive machinery.

Your memorialists regret that it should be necessary to offer an extended argument to prove the accuracy of the position assumed by the declaration of sentiments accompanying this memorial, in respect to the power of Congress to make appropriations for improvements of the character already indicated. That power is deduced from the express grant "to regulate commerce with foreign nations and among the States," and the concurrent and continuous exercise of the power from the commencement of the government, with the sanction of the people, as declaratory of the sense in which the grant was understood by all parties.

The fact of such a practical construction having been given, is so clearly and summarily stated by the late President Jackson, that we prefer to use his own words in one of his messages to Congress: "The practice," he says, "of defraying out of the Treasury of the United States, the expenses incurred by the establishment and support of light houses, beacons, buoys and public piers, within the bays, inlets, and harbors and ports of the United States, to render the navigation thereof safe and easy, is coeval with the adoption of the Constitution and has been continued without interruption or dispute."

We may add, that one of the first acts passed at the first session of the very first Congress under the Constitution, was for the establishment of light-houses, buoys, beacons and public piers. Many of those who had been conspicuous in the debates of the Convention were members of that Congress; there is no evidence of any opposition to the act; and it was approved and signed by WASHINGTON. At the last session of Congress, an act was passed making large appropriations for the erection of light-houses, buoys and beacons, and establishing of light boats, at various points on the Atlantic and upon the lakes, and upon the rivers emptying into them.

It has been contended however, that the power of the government thus uninterruptedly exereised from its foundation, to erect light-houses, &c., is derived not from their authority "to regulate commerce," but from that clause in the Constitution, which authorises Congress to exercise *exclusive* legislation over the territory which should become the seat of the Federal Government, "and *to exercise like authority* over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazine,s arsenals, dockyards and other needful buildings;" then by further contending that the consent of the State was, by this clause, required "to the *erection* of forts, magazines," etc.; it has been argued that this is inconsistent with the idea, that Congress possessed this power under other grants in the Constitution. The mistake in this argument is evident in not adverting to the real object of the clause in question, which was not to confer any new power to erect these buildings, or to purchase the lands required for the purpose, but simply to give Congress *exclusive* jurisdiction over such places as should be purchased *with the consent of the States* so that there should not be a divided empire between the General and State Governments.

In accordance with this view the highest judicial federal authority has decided, (3 Wheaton, 388,) that Congress may purchase land for a fort or light-house, and erect such buildings, *without the consent* of the State, but in such cases the *jurisdiction* remains in the State, and cannot be acquired by the United States otherwise than by a cession, which is to be the free act of the State.

This was actually the case in respect to Fort Niagara, which was held for many years by the United States, without any cession by the State; and it was held by the courts of New-York, that the State not having ceded its jurisdiction by consenting to the purchase or otherwise, it remained unimpaired. But when the State consents to the purchase, the jurisdiction at once passes to the Federal Government. (17 Johnson, 225.)

The clause referred to, it will be perceived therefore, does not give the authority to Congress to erect forts, magazines, or other needful buildings, but gives jurisdiction over the land upon which they are erected, when the purchase of such land has been made with the assent of the State. And the fact that it does not give the authority to purchase land for those purposes, or to erect the buildings specified, but provides for the contingency of its being purchased, and confers jurisdiction when such purchase has been made, with the consent of the State, is in itself the strongest evidence that the framers of the Constitution believed such authority had already been given.

And yet, there is certainly no part of the Constitution, which can be cited to justify such purchases or the erection of such buildings and public piers and beacons, or the establishing of light boats, but that to which we have so often referred, the power to regulate commerce. And thus the clause of the Constitution which was supposed to invalidate this power, in fact becomes the strongest evidence of its existence, and taken in connexion with the practice of the Government, becomes conclusive and irresistable. It surely needs no argument to show that the buoys and boats, and piers and light-houses, thus erected by the Government, are not, in themselves, commerce. They are only facilities for its enjoyment. But the moment the principle is admitted, that Congress may rightfully appropriate money to promote *any* such facility, there is no limit to it but the sound discretion of the representatives of the People and of the States, and other constitutional provisions, as to the mode of its exercise. And hence we invoke the high authority not only of

all preceding administrations, but also of the present President of the United States, in approving the act passed at the last session of Congress before mentioned, as an unequivocal sanction of the powers of that body to regulate commerce, by furnishing facilities for its enjoyment.

Of the same character are the appropriations for the survey of the coast of the United States. In 1807, an act was passed by which the President was authorised to cause a survey of the coast of the United States to be taken, "in which shall be designated the islands and shoals, with the roads or places of anchorage within twenty leagues of any part of the shores of the United States," and also "to cause such examinations and observations to be made, with respect to St. George's bank, and any other bank or shoal, and the soundings and currents beyond the distance aforesaid to the gulf stream, as in his opinion may be specially subservient to *the commercial interests* of the United States." These surveys were warmly recommended by committees of Congress, for the express purpose of rendering facilities to commerce ; and the act, above quoted shows that such was the object of Congress. They were begun under Mr. Jefferson, the acknowledged author and founder of the system. It has been continued, with temporary suspensions, caused by war or the preparations for hostilities, from 1807 to this day, the regular annual appropriations continuing through the administrations of General Jackson and of all his successors, to and including the last session of Congress, when one hundred and forty-six thousand dollars were appropriated, with the approbation of the present President of the United States.

Utterly vain must be any attempt to deduce the power to make these appropriations from any other grant in the Constitution but that "to regulate commerce." Their character and purpose is declared, not only by the avowed object stated in the first act on the subject and by the cotemporaneous documentary history, but by the fact that the military and naval departments have no control whatever over the subject, and that it is placed, as a commercial measure, under the supervision of the Secretary of the Treasury. The amounts appropriated have been so large, exceeding probably two millions of dollars, that it is impossible they should have been made without deliberation.

In reference to this power to regulate commerce, we have the authority of the Supreme Court of the United States for saying, that

under its sanction Congress may suspend and prohibit commerce, and may not only authorise importations, but may authorise the importer to sell, (12 Wheaton 447) ; and that commerce is not merely traffic, but is intercourse, and includes navigation. (9 Wheaton 189.)

Having thus seen in what sense the framers of the Constitution, the Legislature and the courts have hitherto understood the power "to regulate commerce with foreign nations and among the States," the subject will appear in a still clearer light when we find that the same construction has been given to the same power when applied to the remaining subject of the same clause, "and with the Indian tribes."

From the earliest periods of our government, there has been one uniform course of legislation under this power, without impediment and without question, which has assumed the absolute right of providing for the health, the morals, the instruction and the subsistence of these people. Agents are to be provided with vaccine matter, at the public expense, to prevent the spread of the small-pox among them; they are to be furnished with useful domestic animals and implements of husbandry, and they are to be instructed in agriculture ; their children are to be taught the common branches of education ; and appropriations have been made for geological and mineralogical researches in their country. It will not be pretended that Congress has any authority to pass such laws in relation to white citizens or the territory of the States ; and the only possible ground on which they have been or can be maintained, is the authority "to regulate commerce with the Indian tribes."

But further and very satisfactory evidence of the meaning of the terms in discussion, may be derived from the use of similar language in other parts of the Constitution. The second clause of section 3, article 2, contains expressions identical with those we have been discussing. It is thus : "the Congress shall have power to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States." No difference can be stated between the authority "to regulate commerce," and that now quoted, "to make needful rules and regulations respecting the territory."

Under this latter power, for there is confessedly none other that can reach the subject, the Federal Government has, from its earliest date to this day, legislated for the territories as fully and exten-

sively as any State for its inhabitants. Governments have been organised, the salaries of the officers paid, public buildings for their accommodation erected, schools and seminaries of learning provided, and systems of municipal law established for them by Congress. And, that nothing may be wanting to complete the parallel which we have instituted between the power "to regulate" in one case and the power "to make regulations" in the other, in its application to the very subject under consideration, viz: the authority to make internal improvements in order to facilitate commerce and intercourse, we find the Federal Government, from the year 1806 down to and including the last Congress, constantly and annually making appropriations of money and land, to lay out and construct roads in the different territories, and to improve the navigation of their rivers.

We mean no offensive crimination by the remark, that during the many years when the present incumbent of the Executive chair served as a member of Congress, we do not find any exceptions taken by him, or by any one else, to this continued exercise of the power to make regulations for the territories, by the appropriations referred to; but we state the fact for the purpose of quoting his high authority in favor of the construction, which we claim should be given to that and the similar power to regulate commerce.

This construction of the power in relation to territories, is noticed by the late chief justice Marshall, in 4 Wheaton 422, in delivering the opinion of the Supreme Court, as having been universally admitted.

The sense in which human language is to be understood, is that which the speaker or writer intends to convey, and which is at the time conveyed to him who is addressed, as evinced by the acts of both. The exact meaning of words may be doubtful, but they are rendered precise and certain by accompanying and continuous acts. This is the basis of all interpretation. Guided by a rule so simple and plain, and of such constant use, we are not to apply the microscope to the mere shell which contains the spirit of our constitutional provisions, as if we were examining a special pleading, but we are to look at the whole scope and design, as developed by a comparison of the different parts, and by the uniform, uninterrupted and unquestioned construction given by legislators, executives and judges, upon the responsibility of their oaths, and sanctioned by the

acquiescence of the whole people. And we cannot sum up the whole argument on this point in a more condensed form than that given by the late President Jackson, that "the public good and the nature of our political institutions, require that individual differences should yield to a well settled acquiescence of the people, and confederated authorities on particular constructions of the Constitution on doubtful points."

An attempt has been made to limit the application of the phrase "regulate commerce," to such commerce as already existed, upon the assumption that it implied the pre-existence of the thing to be regulated. We submit, however, that the assumption is false in fact and in theory. The power to regulate is a power to rule, with which it is synonimous, and expresses the most unlimited authority of government over the whole subject matter, and all its incidents, and so far from being exclusively applied to subjects in existence, it ordinarily in practice precedes and anticipates the action to be regulated. And to exhibit the absurdity of the criticism we are examining, we have only to state its results almost in the language of its authors. Thus, if a river be already navigable, and a commerce is carried on from its mouth to the port of another state, it may be "regulated;" but if a sandbar at its mouth should prevent vessels within it from launching into the ocean or the lakes, to reach another State, it would be beyond the reach of the regulating power of Congress, because a commerce would thus be *created!* And such refinements, worthy of the ancient polemics, are gravely attributed to the practical men who framed our Constitution. It so happens, however, that even this subtlety is wholly inapplicable to any appropriation that has hitherto passed either House of Congress, for none has proposed the improvement of any harbor or river that had not already some commerce.

But there is another source of the power to improve rivers, harbors, and roadsteads, and which contains authority, if necessary, even to create harbors and channels of communication. We refer to the power "to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States." Taxes and imposts may be levied to pay the debts, and provide for the common defence of the Union. It follows, that the proceeds of such taxes and imposts may be appropriated to those objects; and accordingly un-

der this power of appropriations for the common defence, coupled with those of declaring war, of raising armies, and maintaining a navy—forts, magazines, arsenals, manufactories of arms and military roads, navy yards and dry and other docks, have been established and maintained from the day the Constitution was adopted to this moment; and appropriations for them or some of them have been passed at every session of Congress, without exception from any quarter. Let it be observed, that here is no latitudinarian expansion of the phrase, "general welfare," so obnoxious to certain casuists, but a plain and downright application, in good faith, of a power given for definite and precise objects—the common defence and the employment of armies and of a navy. This "common" defence of the whole, necessarily includes the parts, and the power must be exercised in detail or not at all.

Can it be doubted that the removal of shoals, bars and snags in rivers, in order to facilitate the transmission of the munitions of war to the frontier and every exposed part of our country, would be as legitimate an exercise of the power to provide for the common defence, as the establishment of magazines, or manufactories of arms, or the casting of cannon? The munitions of war provided, and the weapons manufactured, would be of little use without the means of conveying them to the points needing the supply.

And with respect to harbors, the eleventh of the propositions contained in the declaration of sentiments herewith transmitted, states so clearly the right of "the citizens inhabiting the country bordering on the interior lakes and rivers, to such safe and convenient harbors as may afford shelter to a navy," and the duty of the government to afford them such protection, that the undersigned can add very little to enforce the right, or to render the duty more obvious. The impartial and disinterested officers of your own appointment have certified to you, that along the whole chain of lakes, extending fourteen hundred miles between our territories and those of a foreign power, there is such a deficiency of safe harbors of easy entrance, that the military and commercial marine upon these lakes is absolutely at the mercy of the winds and the waves. And they have shown you, that, from the peculiar dangers of the navigation and the want of sea room, capacious harbors are more vitally important there, than on the Atlantic coast. It may happen too, that disadvantageous circumstances may render a convenient harbor the only security against the capture of your ships by an enemy. It is not necessary

to compare the relative importance of accessible harbors to the maintenance of a fleet, with navy yards and docks ; it is sufficient that they are of the same character, and are equally " necessary and proper." It would be far more difficult, in the view of your memorialists, to deduce the authority to build an executive mansion for the President of the United States, or to purchase, repair and maintain a Congressional burying ground, from any specific grant of power in the Constitution, than to show that the power of improving the channels of trade and intercourse between the States, may be inferred from this power to provide for the common defence.

It is not improbable that other sources of the power in question may appear to different minds, adequate to the purpose. But the undersigned are content to rest the claim which they prefer in behalf of their constituents, upon the grants of power stated in the "Declaration of Sentiments," and herein considered. It was well remarked by distinguished judges of the Supreme Court in 9th Wheaton, that " the same measures may be arranged with different classes of powers," and that " the same measures may flow from distinct powers," under our Constitution. And he must be little acquainted with the history of governments, who would urge as an objection to any specific power, that its friends claimed that it might be exercised under different and harmonious provisions.

But we hear it said that the Constitution does not confer on Congress, the power to regulate commerce by commencing and carrying on a " general system of internal improvement ;" as if the objection was not to any particular work, but to a general system. We confess our inability to perceive the force or the reason of this distinction. If any particular work can be justified by the importance of the commercial exigency which demands it, is not the power of Congress to facilitate commerce by any other similar work admitted ? And if any work, in the judgment of Congress, possesses the requisites to bring it within the constitutional provision, does it cease to possess them because the commercial facilities it affords, may be augmented by its connexion with other kindred works ? Thus, the immense commercial cargoes which now descend from Lake Michigan to the Ocean, in their passage meet successively the obstructions on the flats of Lake St. Clair,—in the harbor of Buffalo,—and in the Overslaugh of the Hudson. The works needed to remove these three separate impediments, each highly necessary in itself, will be still more useful when all are completed—and when constructed will naturally and necessarily group themselves togeth-

er, and become portions of a system. But does this afford any reason why each particular work should not be constructed? On the contrary does it not gradually strengthen the inducement for building them all,—and that too on a harmonious plan; so that each portion may add to the value of the whole? As well might we object to the general system of fortifications on the seaboard, that although each separate work of the series might be requisite for the common defence, yet that no power existed to unite them in a uniform plan.

Under the general and comprehensive power to regulate commerce between the States, we claim then, that the facilities which Congress may constitutionally afford, are co-extensive with that commerce, and necessarily extend to and embrace every portion of the Union. That it would be alike unwise, unjust and repugnant to the spirit of the Constitution, to lavish the public funds upon favorite objects in a few States, and exclude from just participation other and equally meritorious and necessary objects in other States,—and so far from questioning the power of Congress to combine these proper objects of national improvement in a general plan or system, we maintain it to be their peculiar duty, as far as practicable to construct each work in reference to its harmonious connexion with the whole. And in taking this view of the subject, our quotation of the vague expression "internal improvements," must not be misunderstood. We refer to works of national importance which will essentially facilitate "commerce among the States," and not to "improvements" purely local.

With respect to the objection which has sometimes been urged of want of jurisdiction in the United States, to enter upon and occupy lands and waters to construct and maintain the required improvements, it may be remarked, that if the power to regulate commerce includes, as we maintain, the authority to facilitate its operations, then all the means and incidents "necessary and proper," are by the terms of the Constitution given also; and these must necessarily include jurisdiction for the purpose. And this has been exemplified by the laws of Congress authorising the erection of light-houses on the shores of the lakes and interior rivers, and regulating steam vessels navigating those waters. So far from questioning the full authority of the General Government, it would be much more easy to doubt the power of any State to exercise jurisdiction over navigable waters common to two or more States, and which were necessary to "commerce among the States."

And even if it were admitted that the separate States might exercise such jurisdiction, a serious if not insuperable obstacle is interposed by the Constitution to any permanent or efficient co-operation by States having navigable waters in common, for the purpose of improving the navigation of such waters. This could be accomplished only by prospective arrangements to assess the proportions of expense, to preserve and repair the works constructed, and to provide the necessary supervision for their maintainance. These objects would require the adoption of mutual stipulations, which should reach far into the future. These, however, would constitute "a treaty", and that is absolutely prohibited by the 10th section of the first article of the Constitution, which declares that "no State shall enter into any treaty, alliance or confederation."

And these considerations in themselves furnish a strong argument in favor of the power of Congress, for they prove that it can exist no where else.

Having thus shown what were the avowed objects of the Convention that appointed the undersigned, in relation to internal improvements, and rescued it from the misrepresentations which perverted those objects; and having, as we trust, vindicated the power of Congress to appropriate money for those objects, we will now proceed to discuss the *expediency* of the exercise of that power.

Before doing so, permit us to remark that there are duties and obligations of governments and of those who administer them, which cannot be extinguished by any considerations of expediency. As an instance, provisions for the common defence of the country, according to its means, may not be neglected. All vaticinations of the dangers that may arise from the performance of the duty, can have no influence upon those who have accepted office under an engagement to obey the injunctions of the Constitution. If, like some of the religious denominations among us, they are conscientiously, from any cause, opposed to the execution of the power, their plain duty as honest men, is to give place to those whose constitutional phantasies or conscientious scruples are not in conflict with their vows.

And viewing the federal government in its relations to the States, there is a source of honorable obligation, more sacred if possible, than the plain injunctions of the Constitution. This arises from the fact, that by that instrument, the revenues derived from commerce were surrendered by the States to the General Government, for the purpose and with the sole object of having them applied to the com-

mon interests which it was the design of the confederacy to protect and maintain. And they were thus surrendered under the pledge given in the preamble of the Constitution, that it was framed to provide for the common defence and promote the general welfare. The States were thus deprived of the appropriate sources of revenue to improve and increase the facilities of the business which produced that revenue ; and they were, as has been shown, effectually denied all power over it. Can it be supposed that the sagacious advocates of state rights and interests of that day, intended to deliver up to the care of the Federal Government their respective States, thus stripped of the means of securing the first elements of their prosperity, and thus manacled and fettered, without an equivalent ? And what was that equivalent? The only one which the case admitted—namely, the substitution of the Federal Government for the exercise of those powers and the performance of those co-relative duties, which the exigencies of the confederacy forbade to the States. In the very nature of things the Federal Government took the place, and received the powers, and thereby assumed those duties of the States respectively, which they could not separately exercise, consistent with the peace and prosperity of the whole. This was the great compromise of the Constitution. And an obligation results from it, upon the Federal Government, which it is not at liberty to evade by suggestions real or pretended, of the difficulties and hazards of performing its duty.

But what are these difficulties and dangers that are so frequently paraded with all the aggravations that may render them tragic, to "frighten us from our propriety ?" Let us speak to them, and see whether, like other apparitions of the imagination, they will not dissolve in the light of day.

By classing them, we will better understand their exact dimensions.

It is urged, *First*, That combinations of individual and local interests to obtain appropriations for internal improvements, will be found strong enough to control legislation, absorb the revenues, and plunge the country into hopeless indebtedness.

Second, That the subject is liable to be perverted to the worst of political purposes.

Third, That it is impossible, in the nature of the subject, as connected with local representation, that objects of internal improvement should be weighed according to their respective merits, and

appropriations confined to those whose importance would justify the employment of the revenue of the whole community.

And *Fourth*, It is emphatically asked, where shall the exercise of the power stop?

A general reply to all these forebodings of evil, is, that they are precisely such as have always been proclaimed by the adversaries of free government and of popular institutions, in Europe and in this country. Our plan of a representative democracy, in which popular sentiment should be felt, was always regarded by them as pregnant with dangers. Combinations of powerful individuals, of great States and local interests, have been freely predicted as the inevitable result of the wide scope given for their operation, by our institutions. In vain have we urged the system of checks interposed against hasty and improvident legislation. In vain have we pointed to the diversified interests of the various sections of our country, as affording counteracting influences upon each other, which must forever prevent the predominance of any one; to the long term of service of the Senate, and to the Executive veto, and finally to the judicial power to arrest unconstitutional enactments. We have been answered by references to the ancient republics and their inability to restrain combinations, and more particularly to the disastrous results of the French revolution of 1794, as having been produced mainly by the dictation of combined clubs. As our arguments seemed to make no impression, we quietly waited for the proof of the sufficiency of our government to maintain liberty consistently with public order and public interests, to be developed by our history. Nearly sixty years of uninterrupted prosperity, with continual concessions to popular liberty, have furnished the expected proof. And in the mean while, what has become of those governments in which it was supposed the dangers to be apprehended from these combinations, were most effectually obviated by monarchical or aristocratic power? They have passed away and evaporated, like flax at the touch of flame. And this is our answer to all such forebodings; our fathers surveyed the ground calmly and deliberately, they were fully apprised of all the hazards attending the experiment, and yet they decided that the happiness of themselves and their posterity, demanded that they should be encountered.

Similar predictions of evil were made by those who opposed the adoption of the Constitution. The powers of Congress were repre-

sented as overshadowing the States; the danger of combinations was dwelt upon, and State sovereignty and individual liberty were to be absorbed by the monster of their imaginations. The patriotic Patrick Henry, as their chief exponent, objected particularly to the power of TAXATION given to Congress, and maintained that "it was *impossible* to select any subject of general taxation which would not operate unequally on the different sections of the Union, produce discontent and heart-burnings among the people, and most probably terminate in open resistance to the laws." He objected also to the power of raising armies and building navies, and to the control of the General Government over the militia, which, with the power of taxation, he represented, gave to Congress the sword in one hand and the purse in the other, and declared, "unless a miracle in human affairs shall interpose, no nation ever did, or can ever retain its liberty, after the loss of the sword and the purse." The treaty making power was arraigned as a most dangerous feature, "inasmuch as it put it in the power of the President and any ten Senators who might represent the five smallest States, to enter into the most ruinous foreign engagements, and even to cede away the territory of the larger States." That the pay of the members of Congress was to be fixed by themselves, was also considered a very dangerous power. The anticipations of evil then indulged, might be multiplied almost indefinitely. But these are sufficient for the purpose for which they are adduced, which is to show that the conceded and uncontroverted powers of Congres, are exposed to the same charges of liability to perversion, abuse and corruption, which have been so freely made against the power in question, and to show also the utter fallacy of all such prophecies.

Indeed, it is inseparable from any power to do good, that it may be perverted to evil. And the history of all governments establishes one melancholy fact, that human ingenuity has not yet devised any perfect remedy for human infirmity. The theories of other governments have placed the check on this liability to abuse, in the hands of a few, supposed to be the most intelligent and virtuous of the community. Our theory is directly the reverse; it places the restraining and remedial power in the hands of the many—of the great mass who are interested in preserving liberty, restraining factious combinations, and sustaining law and order. To say then, that the people themselves are or will become so corrupt and selfish that they cannot be trusted in the choice of representatives to le-

gislate on this or any other subject—that it will be impossible to have just and rational legislation on any matter, in consequence of combinations of individual and local interests, and that these combinations are liable to be perverted to the worst of political purposes, is in effect assailing democracy and representive governments in their very citadel. It is in open conflict with the first principle of our institutions—the moral and political capacity of the people to govern themselves, and with the American doctrine, which teaches that there is more safety in large numbers—in the masses, than in any individual, whether he be a President or a King.

Having ourselves a firm faith in this doctrine—a faith strengthened and confirmed by our own history and by what is passing at this moment on the European continent—a faith delivered to us by our fathers, and consecrated by their blood, we cannot surrender it. Nor do we believe that the representatives of the people and of the States in Congress will be the first to renounce and repudiate it, by declaring themselves to be unworthy and incapable, by reason of individual and local interests, to legislate upon any subject committed to their care by the Constitution.

But we deny that there is more selfishness, more local and private interests to influence legislation on the subject of internal improvements, than upon many other subjects within the acknowledged competency of Congress. Take, for instance, the power to lay and collect imposts; in other words, the establishment of a tariff of duties on importations. Where is there a greater opportunity for the combination of local and individual interests, to promote selfish purposes at the expense of the country? What subject is more liable to be perverted to political purposes? What presents greater difficulty as connected with local representation, in adjusting the proper subjects for revenue, and the proper amounts to be charged on them? And yet, has not this very question been repeatedly agitated in Congress and disposed of, without producing any of those direful consequences? We therefore dismiss these fears to the same tomb that contains the evil prophecies of the monarchists of Europe. We have outlived and falsified them. We have proved that our people are not so selfish and unprincipled, and their representatives are not so corrupt and profligate, as to be unworthy of a power to legislate upon a subject of the deepest interest to themselves.

But we are asked, where is this system to stop? We answer, where the necessities of foreign commerce and commerce among the States stop—when the country has adequate harbors for the shelter of its navy and its commercial marine on our sea-coast and on our lakes—when the means of communication from the centre to every assailable point of our frontier, and from supporting distances along that frontier to each other, shall have been established and rendered as commodious as modern skill and industry can make them—then the system of appropriation for the common defence and for facilitating commerce among the States will stop, and Heaven forbid that it should stop any sooner. When, and where, we may ask in return, is the business of legislation for this vast country to stop? If the indefinite duration of the exercise of any power forms an objection to its being exercised at all, then your honorable bodies should adjourn, and leave the country without any regulation.

We are told that the policy of embarking the General Government in appropriations for internal improvements, had *its origin* but little more than twenty years ago, and that it became so alarming as to require the strong and stern interposition of President Jackson to arrest its progress. General Jackson himself states, that the practice of appropriating money from the Treasury of the United States for the establishment and support of light-houses, beacons, buoys and public piers, to render navigation safe and easy, "is coeval with the adoption of the Constitution, and has been continued without interruption or dispute."

If any corroboration of his testimony be required, it will be found by referring to an official report made under a call of the Senate, by the distinguished head of the Topographical Engineers, on the 7th of Jan., 1847, and transmitted to the Senate by the present Secretary of War, being number 44 of the Executive documents of the second session of the 29th Congress. Annexed to this report is a recapitulation of the appropriations made in each year "for the construction and repair of roads, and the improvement of harbors," reaching back to the administration of Mr. Jefferson, which being condensed, shows those made during the different administrations, as follows:

Under Mr. Jefferson,	$48,400
" Mr. Madison,	250,800
" Mr. Monroe,	707,621
" Mr. J. Q. Adams,	2,310,475

"	Gen. Jackson, ...	10,582,882
"	Mr. Van Buren, ...	2,222,544
"	Mr. Tyler, ...	1,076,500

This topic has, however, been so fully and ably discussed recently, by a member of the present House of Representatives from Connecticut, and the fallacy of the statement we have quoted, so thoroughly and triumphantly exposed, as to render quite unnecessary any further comment from us.

But to provide some remedy for the admitted wants of the country, a suggestion has been brought out, which, if not original, has all the freshness of novelty. It is, that there is no occasion for the exercise of this power by Congress, because " the Constitution itself indicates a process by which harbors and rivers within the States may be improved—a process not susceptible of the abuses necessarily (supposed) to flow from the assumption of the power to impose them by the General Government, just in its operation, and actually practised upon during more than thirty years from the organization of the present government." And we are told that this process is indicated by a passage in the last clause of the 10th section of the first article of the Constitution, by which it is provided that "no State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace," &c. And the laying of a tonnage duty by the States with the consent of Congress, is recommended as a safe provision to accomplish all the desired objects; and among its safeguards it is specified that the funds raised "are to be in every instance levied upon the commerce of those ports which are to profit by the proposed improvement." And it is stated, that it appears in Mr. Madison's report of the proceedings of the Convention, "that one object of the reservation was, that the States should not be restrained from laying duties of tonnage for the purpose of clearing harbors."

It is deemed necessary, to a full understanding of the clause, that what was actually said should be known. The report referred to says: " Mr. McHenry and Mr. Carroll moved that 'no State shall be restrained from laying duties of tonnage for the purpose of clearing harbors and erecting light-houses.' Colonel Mason, in support of this, explained and urged the situation of the Chesapeake, which peculiarly required expenses of this sort. Mr. Madison observed that there were other objects for tonnage duties, as the support of seamen, &c. He was more and more convinced that the regulation of commerce

was in its nature indivisible, and ought to be wholly under one authority." (Madison papers, 3d, p. 1587.)

It appears, then, that the establishment of light houses was as much an object of the reservation to the States as the clearing of harbors. If then, the argument derived from the debates proves any thing, it proves that the maintenance of light houses by the General Government is not a power granted by the Constitution, and that they should be sustained by tonnage duties imposed by the States. And light boats, buoys and beacons, must stand upon the same footing. The practice of the Government, as already shown, has given a very different interpretation. The Congress has assumed these duties without State legislation, and no one has yet been so hardy or so reckless as to deny its power and its duty to do so.

The writers of the essays collected under the title of "The Federalist," no where speak of this reserved power of laying a tonnage duty, and the quotation from No. 44 of that work, which has been cited as applicable to this subject, has no reference whatever to it, but relates wholly to the reserved power of laying duties on imports and exports.

It seems to your memorialists quite evident that under this reservation to the States of the right to lay a "duty on tonnage," it must be confined to the vessels of the State imposing it, and to foreign vessels, for by the fifth clause of the ninth section of the first article of the Constitution, it is provided as follows: "No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State, be obliged to enter, clear, or *pay duties* in another." We are unable to comprehend how, under this prohibition, vessels navigating from one State to another, can, by any act of a State, with or without the consent of Congress, be obliged to pay a tonnage duty in such other State. The provision operates to make common highways of all the navigable waters of the States, to vessels bound to or from one State, and by its terms, precludes what might otherwise be claimed, a reasonable toll or compensation for making or keeping such highways in proper condition for use.

The history of the times and of the debates in the Convention furnishes abundant evidence, that among the evils of the Confederation no one was deemed so intolerable and so destructive of the harmony and peace of the States or so ruinous to their commerce, as the local duties imposed by several States upon cargoes and tonnage; and it seems to have been a primary object, utterly and forever to

abolish and prohibit them. And to this feeling do we attribute the clause in question.

And we find that the qualification we have intimated, has been recognised in several of the acts of the States imposing tonnage duties, which have received the sanction of Congress; and which have been specially communicated to your honorable Houses. Thus, the act of May 6, 1796, gives the consent of Congress to an act of Maryland, "so far as to enable the State aforesaid to collect one cent per ton upon all vessels coming into the district of Baltimore from a foreign voyage." And the act of February 28, 1806, gives the like consent that the State of Pennsylvania "may collect a duty of four cents per ton upon all vessels clearing out of Philadelphia for any foreign port or place." By the act of March 28, 1806, consent is given to an act of South Carolina, authorising "the city of Charleston to levy a duty not exceeding six cents per ton upon vessels entering the port of Charleston from any foreign port or place whatever." And by the act of April 29, 1816, the like consent is given to an act of the same State, for collecting a duty of ten cents per ton upon vessels from a foreign port.

Having no purpose to mislead, we state also, that we find several of the acts of Congress referred to, assenting to laws of the States levying tonnage duties on ships and vessels, in some cases generally and without discrimination, and in others, expressly including coasting vessels. We find but eleven distinct ports or rivers in the whole United States, which have been the subject of these acts. In respect to three of them, as above stated, the duty is confined to foreign vessels. In some of the others, the improvements are entirely local, and of a character which does not come within the facilities for "commerce among the States," as defined by the Chicago Convention. Of the acts referred to, three of them assenting to laws of Alabama, do not impose tonnage duties upon vessels, but tolls upon specific articles for passing artificial structures—of most questionable validity. Another, consenting to an act of North Carolina, to provide funds for a hospital, levies a tax upon seamen not upon vessels. Another sanctions an act of Georgia, by which the harbor-master and health officer of Savannah and St. Mary, are authorised to collect tonnage duties in full of their demands for official duties! A rigid examination of others of these acts would show that they are entitled to very little weight, as constructive of the Constitution. States are employed as agencies in establishing marine hospitals, and officers of the United States are made subject to local authori-

ties, and other provisions are sanctioned, which at this day would find no support from any quarter.

But whatever may be the weight of these precedents, in the estimation of those who regard the continuous acts of Congress, acquiesced in by the people, as just expositions of constitutional power—yet, if they are urged as being in conflict with the authority of Congress which we claim, we submit that the number, variety and extent of the acts which have asserted the power of the Federal Government to make appropriations for internal improvements, within the limits and for the purposes indicated by our constituents, greatly outweigh in point of authority the laws assenting to State duties on tonnage. But we confess our inability to appreciate the consistency of those who quote these acts as establishing the sense of the founders of our republic, and at the same time deny to other and more numerous acts of the same persons, the least respect as constitutional expositions.

But, in truth, these acts are not in conflict—they do not assert any antagonist principles. With the exceptions hereafter mentioned, a State may be authorised by Congress to levy duties of tonnage for local improvements, and for creating facilities for foreign commerce, and for commerce among the States, and yet Congress may make appropriations for the same objects. And such in fact has been the practice of the government. In aid of the State duties to improve the navigation of the Delaware bay, Congress has appropriated more than two millions of dollars. For improving the harbor of Baltimore, for which State tonnage duties have been levied, there have been appropriations by Congress to the amonnt of more than fifty thousand dollars. And in like manner, more than one hundred thousand dollars have been appropriated for improving the navigation of the Savannah river, notwithstanding the duties on tonnage levied by the State of Georgia, with the assent of Congress for that purpose. Conceding, for the purpose of further consideration, that both powers are possessed by Congress, is it not evidently one of those cases of sound judgment and discretion, which our Constitution intended to leave to the decision of those more immediately and practically acquainted with all the circumstances—the representatives of the people, to adopt the mode which should be most effectual?

And here we would remark what significant proof do these appropriations by the Federal Government furnish of the utter and total inadequacy, under the most favorable circumstances, as in the cases

of Baltimore and Savannah, of these State tonnage duties, to accomplish the objects intended.

But, it seems to have been strangely forgotten, that an insuperable objection exists to the exercise of this power by the States, of levying tonnage duties upon vessels navigating the navigable waters leading into the Mississpipi and the St. Lawrence rivers. It arises from the terms of the fourth article of "the articles of compact between the original States and the people and states" in the territory which in 1787 constituted the territory of the United States northwest of the river Ohio. Those articles are, perhaps, the most sacred among the "engagements" entered into before the adoption of the Constitution, whose validity and perpetual obligation are asserted and secured by the sixth article of that instrument. The fourth article of that compact provides thus: "The navigable waters leading into the Mississipi and St. Lawrence, and the carrying places between the same, shall be common highways, and forever free, as well to the inhabitants of the said territory, as to the citizens of the United States, and those of any other States that may be admitted into the confederacy, without any tax, impost or duty therefor." This last word in the passage quoted "therefor," is exceedingly emphatic and comprehensive. These waters are declared "common highways,"—the characteristic quality of which is, that they may be used without any charge; but as if this were not sufficient to preclude all cavil, it is further declared that there shall be no "tax, impost or duty therefor"—for using them as common highways. By the comprehensive term "navigable waters," are included not only the lakes leading into the St. Lawrence, but the rivers flowing into them, as well as the great rivers like the Ohio, leading into the Mississippi and the navigable waters flowing into those rivers. These are "forever free" from any tax or duty, for using them. It is, therefore, manifestly impossible for any States, with or without the consent of Congress, to levy any "duty of tonnage" upon vessels navigating those waters and streams, for using them as common highways. Thus, it will be seen, that some of the most essential facilities to navigation, such as clearing the shoals or flats in Lake St. Clair, and removing obstructions in rivers leading into the St. Lawrence or the Mississippi, can never be accomplished by the levying of tonnage duties upon vessels navigating them.

In the view of the undersigned, the clause in the compact of 1787 which has been quoted, strikingly exhibits the common feeling and

understanding of our forefathers in relation to commercial intercourse between the states.

A still more important inference may be drawn from this provision in the compact. The ordinance in which it is contained, provides for the erection of many states out of the territory to which it relates. The framers of that ordinance had witnessed the annoyances and collisions to which trade and navigation in the confederated states had been subjected by the local impositions of the different states; they saw in prospect what our eyes behold—a chain of states bounded or intersected by the great lakes, the Mississippi and the rivers flowing into them and the St. Lawrence, having these common watercourses to conduct them to a market. And they were admonished by the examples of the old world, that interest, ambition and rivalry would stimulate those states to efforts to enrich themselves, if not to depress their neighbors, by endless exactions upon the vessels that should pass through their respective territories. And the wonderful forecast which distinguishes that whole instrument, in nothing exhibited itself so pre-eminently, as by this single provision which closed forever this fountain of bitterness and strife.

Insuperable obstacles of a similar character, to any imposition of tonnage duties upon vessels navigating the Mississippi, are presented by the compacts made by the federal government with several states bordering on that river, upon their admission into the Union. Thus by the act for the admission of the state of Louisiana, April 8, 1812, it is provided as a condition of its admission that "the river Mississippi and the navigable rivers and waters leading into the same, and into the Gulf of Mexico, shall be common highways, and forever free as well to the inhabitants of the said state as to inhabitants of other states, without any tax, duty, impost or toll therefor, imposed by the said State;" a similar provision in all respects is inserted in the act for the formation of the state of Mississippi, March 1, 1817; a condition of the same kind is incorporated in the act authorising a state government for Missouri, March 6, 1820. The act for the admission of Arkansas, (June 15, 1836,) imposes the same conditions and restrictions in relation to the Mississippi and its tributaries. The act of March 3, 1845, for the admission of Iowa, has the same provision declaring the Mississippi and the navigable waters leading into the same, forever free to all citizens of the United States without any tax, duty, impost or toll therefor imposed by the said state. The act authorising the people of Wiscon-

sin to form a state government, August 6, 1846, provides that the river Mississippi and all other rivers and waters bordering on Wisconsin, "and the navigable waters leading into the same, shall be common highways and for ever free, as well to the inhabitants of the said state, as to all other citizens of the United States, without any tax, duty, impost or toll therefor." And thus we see the noble Mississippi, from its mouth to its extremest source, by compact after compact, and at every step and stage of the organization of the vast communities on its borders, guarded and protected from the impositions now sought to be fastened upon it.

What then becomes of the proposed expedient of State tonnage duties, as a mode of furnishing means for improving the rivers and harbors of our wide-spread country? Is it not utterly inadequate, baseless and fallacious? We see that our navigable waters in the vast valley of the Mississippi and in the great basin of the Lakes, by the most solemn compacts, are forever exonerated from the imposition of any such burthen, and this grand division of our national improvements, embracing the largest geographical portion of our territory,—a portion already all but predominant in political and commercial importance,—can be accomplished only by the authority and at the expense of the general government. But would it be either just or expedient, that the navigation of these great interior waters, thus shielded from the power of the States, should be improved and maintained at the common expensef while the residue of our rivers and harbors on the Atlantic coast and the Gulf of Mexico, similarly situated in all respects excepting as to the prohibition against duties, should receive no aid from the same source. Equal and exact justice requires that the common funds should be equally and fairly distributed for the common purposes in all parts of the Union. The undersigned would utterly misrepresent the feelings and sentiments of those who appointed them, were they to claim for the inhabitants of any of the eighteen States represented in the Chicago Convention, any peculiar or local protection or benefit not conceded to all their fellow-citizens.

And here we might close our objections to the proposed expedient of state tonnage duties, having shown that in respect to the greatest portion of our navigable waters, its adoption is legally impossible, and that with regard to the others, it would be partial, inequitable and unjust. But there are other points of view in which this proposed expedient of tonnage duties may be examined, of such practical importance, and of such disastrous consequences to the whole

country, that we deem it a duty to present them, in the hope that it may never again meet the favor of any statesman.

The principle itself of local duties for any such purpose, is unsound and delusive. Higher duties, of any kind, at one port than at others, must necessarily drive from it every ship that is not compelled by circumstances, or induced by some preponderating benefit to enter it. And consequently, if a harbor is avoided on account of the natural obstructions to its entrance, it will be still more avoided if artificial difficulties and impositions are superadded, so that the resources of such a port would be diminished instead of being increased, and the policy would defeat itself. It is believed that some ports of the United States have already furnished instances of such results.

The system is utterly inapplicable for the removal of obstructions in navigable waters which are common to several states, and are navigated by vessels which do not enter any harbor adjacent to such obstructions. Take as an instance, the shoals or flats in Lake St. Clair, which impede the navigation of all vessels passing from Lake Michigan into Lake Erie, or from the latter into the former. These vessels are under no necessity to enter any port within hundreds of miles of these obstructions. Where shall the tonnage duty be collected? At the port of departure, or at that of arrival? In this case how many states will be the collectors of the duty? And under whose direction is the amount to be concentrated and expended? And what are the responsibilities for its application by the collecting states? But supposing a collector's office established on the shore near the obstructions, reinforced by a battery sufficient to compel the vessels to come to and pay their duties, are these to be collected by the agents of the state of Michigan, and to be expended by them or other agents under the regulations of the state? How long, is it probable such a system of exactions would be submitted to by the states of Illinois, Wisconsin, Ohio, Pennsylvania and New-York, whose citizens and vessels would be the subjects of this operation?

The same question may be put in relation to duties levied by any State bordering on the Mississippi, to remove the snags and other obstructions in that river, opposite their respective territories. The several States of Wisconsin, Iowa, Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana, have jurisdiction over portions of that river, and it is presumed that in each of those portions there are obstructions of some kind requiring removal. Are tonnage duties for these purposes to be levied by each of those States? As

their jurisdictions extend to the thread of the river, would there not be some difficulty in adjusting the work to be performed, among the States opposite to the obstructions to be removed? For fear of overcharging the picture, we will say nothing of the interminable discussions likely to arise respecting the faithful and judicious application, by the agents of the individual States, of the duties collected, to the destined purpose. If the wit of man were taxed to devise a scheme utterly destructive of all trade, commerce and navigation upon these waters, a better one for the purpose than this, of artificially obstructing them by hosts of collectors of tonnage duties imposed by local legislation, could not be framed.

Allow us to refresh the memories of those who have forgotten the consequences of such a system, which prevailed under the articles of confederation and before the adoption of the Constitution, by a few quotations from Mr. Madison's introduction to the debates of the Convention. "The same want of a general power over commerce, (he observes,) led to an exercise of the power separately by the States, which not only proved abortive, but engendered rival, conflicting and angry regulations. Besides the vain attempts to supply their respective treasuries by imposts, *which turned their commerce into the neighboring ports*, * * * the States having ports for foreign commerce, taxed and irritated the adjoining States trading through them." "In sundry instances, the navigation laws treated the citizens of other States as aliens." "New Jersey, placed between Philadelphia and New-York, was likened to a cask tapped at both ends; and North Carolina, between Virginia and South Carolina, to a patient bleeding at both arms."

What could be more disastrous, or more lamentable, than a return to these interfering, unneighborly and intolerable exactions of the States? The Union itself was formed, and the Constitution was adopted, for the express purpose of closing up forever these sources of animosity and discord, and these injurious impediments to intercourse between different parts of our country, as the cotemporaneous history abundantly shows.

Nor are we without the experience of other countries upon this same subject of local duties. In the 22d number of the "Federalist," an account of that system was given, for the purpose of exciting the attention of the American people to its dangers and its evils, and thus disposing them to adopt the new Constitution, then under discussion. It is as follows: "The commerce of the German

Empire is in continual trammels, from the multiplicity of the duties which the several princes and States exact upon the merchandise passing through their territories, by means of which the fine streams and navigable rivers with which Germany is so happily watered, are rendered almost useless." The absurdity of the system has since induced several German States to attempt a remedy; and they have established a *Zoll Verein* or commercial union, now consisting of eighteen States, who, by a delegated council, impose one set of duties upon the intercourse and trade of the combined States, by land, with other countries, which are collected on the frontiers and distributed among these States, in a prescribed proportion. Still suffering, however, under the numerous and vexatious duties which impede the commerce carried on upon their rivers, they have been striving for years to apply the American principle of union to their navigable waters also, and nationalise them by one tariff of duties, for the benefit of the whole. And the opportunity which has recently been presented of accomplishing an object of such deep interest and warm desire among the intelligent men of the country, will unquestionably be improved to the utmost. What a singular, and may we not say humiliating spectacle, would our Republic present to the world, if we were now to retrograde to a system of local duties similar to those established in barbarous ages, by petty despots, and maintained by feudal violence and oppression?

It is no answer to say, that these evils are obviated by the control given to Congres, by which injustice would be prevented. The system itself contemplates multitudinous duties of tonnage, by all the States having navigable waters requiring improvement; a positive and intolerable burden, by whatever authority imposed or sanctioned. Besides, the efforts to obtain the sanction of Congress to the various projects of the States, would at once introduce a new progeny of incalculable evils. The halls of legislation would become the theatres of conflict, by States contending for their peculiar interests; and the system of combinations, so much dreaded in reference to appropriations by Congress, would be the only system by which the tonnage duties of States would be established. In order to prevent the inequalities which would induce preferences between the ports of the large States holding the keys of communication to the interior, the duties at such ports must be regulated by those States with a view to equality, and this would be the first step to

an inevitable organised combination between them, by which they would tax for their own benefit the products and the industry of their neighbors, under the pretext of improving navigation, by expenditures over which those neighbors, from the very nature of the case, could have no control. In this conflict, what are the probabilities of the success of any efforts that might be made by the small and interior States, to resist oppression? It is unnecessary to follow out the consequences of such a system. The worst predictions of Patrick Henry and his associate opponents of the adoption of the Constitution, would be more than realised. In the view of these disastrous results, it is difficult to give too broad a construction to that provision of the Constitution already quoted, which declares, that vessels bound from or to one State, shall never be compelled to pay duties in another.

An idea seems to be entertained that these tonnage duties would be paid only by the owners of the shipping on which they were levied. Nothing can be more fallacious; every cent of duty or toll levied upon the means of transportation, enhances the price of the produce transported, and is paid by its owners or consumers. If the competition in the particular article is such that its price can not exceed a certain maximum, then every new imposition is a tax upon the producer, who cannot be repaid for the additional charge; but if the state of the market allows the producer to fix his own price, then the consumer pays every item of the cost of bringing the article to his hands. So that in the present state of our trade, by the system of local tonnage duties, the agricultural and mechanical interests of the interior, forming, as they do, the great mass of producers and consumers, would pay the duties levied for the improvement of any navigable waters or of any harbors. And thus, it will be seen, how unsound is the theory which has been advanced, that these local tonnage duties would be collected "from the commerce of the ports which are to profit by the improvements." Although in the first instance paid by that commerce, yet, as has been shown, they are ultimately taken out of the pockets of the people at large. And as the appropriations for such improvements, made by Congress, must come from the same source, the question at last comes to this point,—shall the means for making them be obtained under the local legislation of the States, sanctioned by Congress, and expended by those States through their own agents and without responsibility to the whole; or shall they be ob-

tained by the direct consent of the representatives of all who are to pay them, be applied in the mode best calculated to promote the common and general interests of the whole, instead of the local interests of one or a few, and be expended and controlled under the authority of the government that represents all the States, with the assistance of the skill, experience and independence of agents which that government only can supply ?

It is emphatically remarked in No. 40 of the Federalist, that "the rights to the fisheries, to the navigation of the lakes and to that of the Msssissippi, ARE RIGHTS OF THE UNION," as contradistinguished from the rights of particular States. They are indeed national rights, they belong to the whole Union, to each and every State, and to every citizen. This right, in relation to the lakes and the Mississippi, has been consecrated by the compacts and acts to which we have already referred ;—national in its very nature, it would be a gross dereliction of duty in the Federal Government, to subject it in any form, immediately or remotely, to the action of any State.

It is a grievous mistake to suppose that this glorious Union was formed only to produce a unity of political interests. Almost every page of the Debates in the Convention and the writings of those who defended the Constitution, proclaims that a unity of *commercial interests* was equally the object of its formation. Indeed, the dangers to be apprehended from commercial conflicts, were far greater than those which could arise from any other source ; and the political organization was in itself chiefly desirable, because it combined, regulated and controlled the conflicting commercial interests of the different States.

No man can cast his eye over the map of the United States, without being struck by the wonderful physical adaptation of its surface to the Union under one government of the people inhabiting it; a union that should rest not so much upon constitutions and compacts as upon social and commercial interests and feelings, as expansive as the wants and affections of man, and as durable as time. Reaching from ocean to ocean, extending through the temperate into the torrid zone, it presents such a variety of climate and soil, such admirable proportions of land and water, as afford an infinite diversity of employment for labor and enterprise, and must forever prevent their undue absorption by any one or by a few objects of culture, while they insure the production of the various elements of subsistence, clothing, and even of luxurious indulgence, without

resort to any other country. And no country on the face of the globe presents greater capacities for the interchange of these productions. Not to dwell on the widespread expanse fed and watered by the Mississippi and its navigable confluents, where can be found a commercial parallel for its own gigantic course, reaching from the Gulf of Mexico 2300 miles to the northwest, where we behold one of its branches within thirty miles of the river Iroquois, which empties into Lake Superior; passing down the most extraordinary chain of lakes in the known world, 1500 miles to the St. Lawrence, and through that noble river 1000 miles we reach the ocean, through a circuit of 5000 miles. These great conduits —the Mississippi and the St. Lawrence—are supplied by innumerable streams intersecting the whole country in every direction, which may be connected at various points with each other, or with other navigable waters leading to the Atlantic, forming new circuits and channels, and affording water communication to every portion of the Union, capable of bearing freights more conducive to the prosperity of our people than rivers of gold. Immense as this view is, it is but a foretaste of what may be anticipated, when the boundless regions now opening to our view in the West and the South shall be thronged with the myriads destined to occupy them.

As the true and sure foundation of our government, is in the interests and affections of the people, what more noble and holy duty remains to the statesman, than that of completing and perfecting what nature has begun, and giving to our navigable waters their full political power in binding together one brotherhood of freemen? By intercourse the most cheap and unrestrained, and by that alone, can the intelligence and sentiment of the country be brought into contact—interests and affections commingled—mountains of prejudice removed, and one genial spirit of common sympathy be diffused throughout the land.

And shall this vast movement of commerce and intercourse be checked and obstructed by shoals, bars, snags and driftwood, that are mere pigmy obstacles, when compared with the resources of the United States, or with the immense amount of trade which they clog and impede?

The whole amount of the appropriations hitherto made by Congress, during nearly sixty years, for works calculated to facilitate internal trade, is less than eighteen millions of dollars—but little more than half of your annual revenue, and probably not equal to three months expenditures in waging a foreign war! And is this

the fulfilment of the mission of civilization, liberty, peace, and prosperity to all, which our Fathers undertook under the smiles of heaven? Was our government made only to furnish place, office and honors to a few, and to afford subjects for political metaphysics? or was it created for the mighty mass of minds and souls that uphold it—to afford them protection not only in the enjoyment of political rights, but in the enjoyment and improvement of the bounties of Nature? Every obstruction in a navigable river, every impediment to the entrance of an harbor, enhances the cost of transportation, and to that extent becomes a burden upon the products of labor, and diminishes their value; and thus causes a dead loss to the whole community. And while the nation suffers by this diminution of its capital, the loss falls most heavily on those very classes who compose three-fourths of our population, whose industry and enterprise constitute our wealth in peace and our defence in war.

In no one subject, therefore, are the masses more deeply interested than that which relates to their safe and easy intercourse; and none embraces more persons or greater interests. It is the most essential element in all the calculations of business and in all the arrangments of life. Would it not be most extraordinary, if it were true, that such a subject should be wholly unprovided for in the organization of our governments; and still more, that those governments should be absolutely interdicted from providing in any way for this first want of civilized man? And yet, such is the inevitable result, if the theories which we have combatted are sound. It is certain, that by the operation of the Constitution, and of compacts which cannot be infringed, all jurisdiction over foreign commerce, and also over commerce among the States, so far as the principal navigable waters are concerned, is denied to the States severally or to two or more of them united by an alliance for that purpose. The means and funds arising from commerce, and rightfully applicable to its protection and assistance, have been surrendered by the States to the Federal Government, and they have neither the power nor the means to meet the exigency. And yet, it is contended, that the Federal Government is stripped of all authority to supply the funds thus surrendered, even for the purpose of augmenting its revenues by facilitating and enlarging the commerce that produces them! For you need not be told that your foreign and domestic commerce are one and indissoluble; that without exports you can have no importations, and of course no revenues from imposts. And yet it is gravely maintained that the national arm is paralyzed, so that

it cannot raise a finger to remove a sandbar or dig a trench, which would release annually millions upon millions of the products of your soil, and float them to every market of the world to purchase these exchanges.

The objection that the grant of power "to regulate commerce" does not authorise appropriations merely to facilitate it,—to render it more safe and convenient,—it is obvious, applies to all kinds of commerce equally; to that with foreign nations, to that among the states, and to that with the Indian tribes. And it applies also, to every species and degree of facility. If you may build a public pier, you may build two and clear the entrance of a harbor; if you may survey your coasts to ascertain the sunken rocks or other hidden dangers to navigation, and may erect a buoy or a light-house, or station a light boat, to warn the mariner of those dangers, surely you may remove the rocks themselves, or deepen the shoals that cause the danger. No subtlety can distinguish them in principle. And the true issue is, whether you will repudiate the construction so universally given in this and all other cases, to the power "to regulate," and abandon the system for the improvement of the Indian tribes,—renounce the authority to constitute territorial governments and provide for the wants of the citizens subjected to them,—and give up your coast surveys, your buoys, light-houses and public piers, as subjects altogether beyond your competency; or whether you will faithfully and fairly apply the principles coeval with our government, which have been sanctioned by the most severe of the strict-construction school, and by the whole people in repeated instances, to objects and cases clearly and palpably within the range of those principles? The question upon this issue can meet but one response; it never has met but one response, when public sentiment has been permitted to speak through its representatives; and that response has been and ever will be, that the general government not only has the right, but is bound by every principle of good faith, to apply the common funds of the nation to those improvements of the means of intercourse which are beyond the power or the means of the states. The expression of that sentiment may have been temporarily stifled by false alarms or by combinations of party interests, deemed at the time paramount to other considerations. But when these transient clouds have passed away, it has burst forth over and over again in all its effulgence and strength. The convention whose proceedings we transmit, furnishes a memorable proof, which no hardihood can question, of the universality and strength of

that sentiment. It was sufficient to absorb all party impulses, to defy all political organizations, and to unite on one common platform of faith and of action, multitudes from a large majority of the states of this Union who probably never before agreed upon any subject.

And we cannot forbear calling your attention to the stern language in which that Convention rebuked and disavowed every attempt to connect the cause of internal trade and "commerce among the States," with the fortunes of any political party. It was the language of truth and of manly firmness and sincerty. But the same resolution displays the fixed determination of our constituents to press on and persevere in their efforts, regardless of party ties and associations, until the principles which they proclaimed, shall be re-established and recognised by all parties as the great elements of the political and social vitality of these confederated States.

We appeal to you, representatives of the people and of the states, to represent and reflect faithfully those deep seated sentiments of that people, to satisfy their just and reasonable wants, to consult their vital interests, to perform a plain duty under the constitution, to redeem the faith plighted at its adoption, and to pursue firmly and steadily the path marked out by our wise and patriotic fathers. We and those whom we represent, ask not a reckless course of extravagant appropriations for internal improvements. We deprecate it, not only for its folly and wickedness, but because it would be most fatal to the continuance of just and reasonable expenditures. We are aware that the objects which will be presented to your attention are numerous and various, but this only proves how great and pressing is the necessity of your action. Many of these objects are equally worthy, but there are some which on account of the magnitude of the commerce concerned, the difficulties and expenses of the undertaking, or other peculiar causes, may justly challenge priority of consideration. Plans for the gradual accomplishment of the most important objects in just and regular succession, by moderate appropriations, have been laid before Congress. Let these plans be pursued, while promiscuous and desultory expenditures are carefully avoided. Let the sanction of the disinterested, able and scientific corps of Topographical Engineers, already provided for the purpose, be required to every plan of improvement after thorough investigation of its merits, and let rigid estimates of its expenses be submitted, before it be undertaken, that all may judge of the proportion between its cost and its value.

And having thus provided the sure means of detecting useless or frivolous projects or those requiring inordinate expenditures, there can be no danger of combinations to execute them, which will not be met and overcome by the honesty, disinterestedness and intelligence of the American Congress. The people are willing to trust their Representatives—let not those Representatives exhibit to the world the spectacle of refusing to trust themselves.

Signed, by and in behalf of the members of the Executive Committee of the Chicago Convention.

May, 1848.

ABBOT LAWRENCE,	Massachusetts.
JOHN MILLS,	
JOHN C. SPENCER,	New-York.
SAMUEL B. RUGGLES,	
JAMES T. MOREHEAD,	Kentucky.
JACOB G. SLEIGHT,	Indiana.
ZEBULON BAIRD,	
THOMAS ALLEN,	Missouri.
JOSEPH M. CONVERSE,	
ALEXANDER DUNCAN,	Rhode Island.
ZACHARIAH ALLEN,	
GEORGE C. STONE,	Iowa.
WM. B. EWING,	
JAMES HALL,	Ohio.
JOSEPH L. WEATHERLY,	
THOMAS W. WILLIAMS,	Connecticut.
PHILIP RIPLEY,	
T. I. BIGHAM,	Pennsylvania.
JOHN B. JOHNSON,	
RUFUS KING,	Wisconsin.
CYRUS WOODMAN,	
THOS. BUTLER KING,	Georgia.
WM. B. HODGSON,	
J. G. CAMP,	Florida.
JOSEPH R. WILLIAMS,	Michigan.
DAVID A. NOBLE,	
CHARLES JARVIS,	Maine.
GEORGE EVANS,	
DAVID J. BAKER,	Illinois.
JESSE B. THOMAS,	
CHARLES KING,	New Jersey.
L. KIRKPATRICK,	
JAMES WILSON,	New Hampshire.
JOHN PAGE,	

At a meeting of the delegates from different parts of the Union, in Convention, held at Chicago, in the State of Illinois, pursuant to public notice, on the fifth day of July, 1847.

President,

EDWARD BATES, *of Missouri.*

Vice Presidents,

John H. Brockway, *Connecticut.*
John G. Camp, *Florida.*
T. Butler King, *Georgia.*
E. W. H. Ellis, *Indiana.*
Charles S. Hempstead, *Illinois.*
G. H. Williams, *Iowa.*
M. A. Chandler, *Maine.*
Wm. T. Eustis, *Massachusetts.*
Wm. Woodbridge, *Michigan.*
N. W. Watkins, *Missouri.*
Erastus Corning, *New-York.*
Littleton Kirkpatrick, *New Jersey.*
Francis S. Fiske, *New Hampshire.*
William Bebb, *Ohio.*
Andrew M. Loomis, *Pennsylvania.*
Hamilton Hopper, *Rhode Island.*
John H. Tweedy, *Wisconsin.*

Secretaries,

Schuyler Colfax, Indiana.
Aaron Hobart, Massachusetts.
Francis U. Fenno, New-York.
William J. Otis, Ohio.
Henry W. Starr, Iowa.
Neilson G. Edwards, Illinois.
David A. Noble, Michigan.
Peter McMartin, New Jersey.
Frederick S. Lovell, Wisconsin.
A. B. Chambers, Missouri.

The following resolution was proposed and adopted:

Resolved, That a committee of two from each State and Territory represented in this Convention, be appointed by the President, to

prepare and report such resolutions as they may recommend to be adopted by this Convention.

July 6, 1847.

The President announced the following as the committee on resolutions, appointed under the resolution of yesterday :

John C. Wright and J. W. Gray, of Ohio.
George A. Kuhn and Artemus Lee, Massachusetts.
Wm. Woodbridge and Calvin Britain, Michigan.
Daniel Mace and Andrew I. Osborn, Indiana.
John C. Spencer and Alvin Bronson, New-York.
John D. Cook and Fletcher M. Haight, Missouri.
T. J. Bigham and J. C. Marshall, Pennsylvania.
Jesse B. Thomas and David J. Baker, Illinois.
N. P. Talmadge and J. D. Kingsland, Wisconsin.
N. O. Kellogg and Joel W. Wnite, Connecticut.
M. A. Chandler and F. B. Stockbridge, Maine.
John G. Camp, Florida.
T. Butler King and Wm. B. Hodgson, Georgia.
George H. Williams and N. L. Stout, Iowa.
H. C. Blackbourne and T. H. Crawford, Kentucky.
Edward Seagrave and Hamilton Hopper, Rhode Island.
Roswell L. Colt and Charles King, New Jersey.

In the afternoon of the same day, Mr. John C. Wright, of Ohio, from the committee on resolutions, presented the following for the consideration of the Convention, and on moving its adoption, informed the Convention that the committee had been unanimous in recommending the propositions presented by him in their behalf.

Whereupon the question having been stated on each proposition distinctly, and the same having been debated and amended, they were adopted as follows, all of them unanimously, with the exception of the last clause of the fifth proposition; and an executive committee of two from each State and Territory was appointed, to transmit the proceedings of the Convention to the President of the of the United States and to both houses of Congress, and to communicate to them such information as the committee may collect, to guide intelligent and just legislation :

Declaration of Sentiments.

The convention submit to their fellow citizens and to the federal government the following propositions, as expressing their own sentiments and those of their constituents :

First. That the Constitution of the United States was framed by practical men, for practical purposes, declared in its preamble, "To provide for the common defence, to promote the general welfare, and to secure the blessings of Liberty," and was mainly designed to create a government whose functions should and would be adequate to the protection of the common interests of all the States, or of two or more of them, which could not be maintained by the action of the separated States. That in strict accordance with this object, the revenues derived from commerce were surrendered to the General Government, with the express understanding that they should be applied to the promotion of those common interests.

Second. That among these common interests and objects were: 1st. Foreign Commerce, to the regulation of which the powers of the States severally were confessedly inadequate, and 2nd, internal trade and navigation, wherever the concurrence of two or more states was necessary to its preservation, or where the expense of its maintenance should be equitably borne by two or more States, and where of course, those States must necessarily have a voice in its regulation ; and hence resulted the constitutional grant of power to Congress, "to regulate commerce with foreign nations and among the States."

Third. That being thus possessed both of the means and of the power which were denied to the States respectively, Congress became obligated by every consideration of good faith and common justice, to cherish and increase, both the kinds of commerce thus committed to its care, by expanding and extending the means of conducting them, and of affording them all those facilities and all that protection which the States ivdividually would have afforded, had the revenue and the authority been left to them.

Fourth. That this obligation has ever been recognized from the foundation of the government, and has been fulfilled partially, by erecting light-houses, building piers for harbors, break-waters and sea-walls, removing obstructions in rivers, and providing other facilities for the commerce carried on from the ports of the Atlantic coast ;

and the same obligations have been fulfilled to a much less extent in providing similar facilities for "commerce among the States," and that the principle has been most emphatically acknowledged to embrace the Western Lakes and Rivers, by appropriations for numerous light-houses upon them, which appropriations have never been questioned in Congress as wanting constitutional authority.

Fifth. That thus by a series of acts which have received the sanction of the people of the United States, and of every department of the Federal Government, under all administrations, the common understanding of the intent and objects of the framers of the Constitution, in granting to Congress the power to regulate commerce, has been manifested and has been confirmed by the People, and this understanding has become as much a part of that instrument as any one of its most explicit provisions.

Sixth. That the power "to regulate commerce with foreign nations, and among the States, and with the Indian tribes," is on its face so palpably applicable in its whole extent to each of the subjects enumerated, equally and in the same manner, as to render any attempts to make it more explicit, idle and futile; and that those who admit the rightful application of the power to Foreign Commerce in facilitating and protecting its operations, by improving harbors and clearing out navigable rivers, cannot consistently deny that it equally authorizes similar facilities to 'Commerce among the States.'

Seventh. That "Foreign Commerce" is dependent upon internal trade for the distribution of its freights, and for the means of paying for them, so that whatever improves the one advances the other, and they are so inseparable that they should be regarded as one. That an export from the American shore to a British port in Canada, is as much foreign commerce as if it had been directly to Liverpool. And that an exportation to Liverpool neither gains or loses any of the characteristics of foreign commerce by the directness or circuity of the route, whether it passes through a custom house on the British side of the St. Lawrence, or descends through that river and its connecting canals to the ocean; or whether it passes along the artificial communications and natural streams of any of the States to the Atlantic.

Eighth. That the General Government, by extending its jurisdiction over Lakes and navigable Rivers, subjecting them to the same laws which prevail on the ocean, and on its bays and ports, not only for purposes of revenue, but to give security to life and property, by the regulation of steamboats, has precluded itself from denying that

jurisdiction for any other legitimate regulation of commerce. If it has power to control and restrain, it must have the same power to protect, assist and facilitate ; and if it denies the jurisdiction in the one mode of action, it should renounce it in the other.

Ninth. That in consequence of the peculiar dangers of the navigation of the Lakes, arising from the want of harbors for shelter, and of the Western Rivers, from snags and other obstructions, there are no parts of the United States more emphatically demanding the prompt and continued care of the Government to diminish those dangers, and to protect the life and property exposed to them ; and that any one who can regard provisions for those purposes as sectional or local, and not national, must be wanting in information of the extent of the commerce carried on upon those lakes and rivers, and of the amount of teeming population occupied or interested in that navigation.

Tenth. That having regard to the relative population or to the extent of commerce, the appropriations heretofore made for the interior rivers and lakes, and the streams connecting them with the ocean, have not been in a just and fair proportion to those made for the benefit of the Atlantic coast ; and that the time has arrived when this injustice should be corrected, in the only mode in which it can be done—by the united, determined and presevering efforts of those whose rights have been overlooked.

Eleventh. That independent of this right to protection of " Commerce among the States", the right of "common defence", guarranteed by the Constitution, entitles those citizens inhabiting the country bordering upon the interior lakes and rivers to such safe and convenient harbors as may afford shelter to a navy, whenever it shall be rendered necessary by hostilities with our neighbors ; and that the construction of such harbors cannot safely be delayed to the time which will demand their immediate use.

Twelfth. That the argument most commonly urged against appropriations to protect "Commerce among the States," and to defend the inhabitants of the frontiers, that they invite sectional combinations to insure success to many unworthy objects, is founded on a practical distrust of the Republican principles of our government, and of the capacity of the people to select competent and honest representatives. That it may be urged with equal force against legislation upon any other subject, involving various and extensive interests. That a just appreciation of the rights and interests of all our fellow citizens, in every quarter of the Union, disclaiming selfish

and local purposes, will lead intelligent representatives to such a distributlon of the means in the Treasury, upon a system of moderation and ultimate equality, as will in time meet the most urgent wants of all, and prevent those jealousies and suspicions which threaten the most serious danger to our confederacy.

Thirteenth. That we are utterly incapable of perceiving the difference between a harbor for shelter and a harbor for commerce, and suppose that a mole or pier which will afford safe anchorage and protection to a vessel against a storm, must necessarily improve such harbor, and adapt it to commercial purposes.

Fourteenth. That the imposts on foreign goods and the public lands being the common heritage of all our citizens, so long as these resources continue, the imposition of any special burden on any portion of the people, to obtain the means of accomplishing objects equally within the duty and the competency of the General Government, would be unjust and oppressive.

Fifteenth. That we disavow all and every attempt to connect the cause of internal trade and "Commerce among the States," with the fortunes of any political party ; but that we mean to place that cause upon such immutable principles of truth, justice and constitutional duty, as shall command the respect of all parties, and the deference of all candidates for public favor.

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